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Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*

Summary

In an unprecedented development during the period under review, warring parties carried out battles in Aleppo, northern Homs, Damascus, Rif Damascus, Dara'a and Idlib governorates, which collectively displaced more than 1 million Syrian men, women and children. In the majority of cases documented by the Commission of Inquiry, displacements were either directly induced by the failure of warring parties to take all feasible precautions as required by international humanitarian law or due to unlawful conduct by the parties, which carried out indiscriminate and deliberate attacks with little regard for civilian life.

Battles waged by pro-government forces, armed and terrorist groups and other actors caused civilians to flee their homes in fear and desperation. Thousands of other civilians were forcibly displaced pursuant to "evacuation agreements" negotiated between warring parties. The plight of displaced persons — after seven years of war — now affects more than 5.5 million refugees who have fled the country, and more than 6.5 million internally displaced civilians subsisting inside the Syrian Arab Republic.

For the foregoing reasons, the Commission proposes a pragmatic set of recommendations to all warring parties aimed at addressing the myriad issues affecting civilians displaced as a result of the conflict, including ensuring their housing, land and property rights.

* The annexes to the present report are circulated as received, in the language of submission only.

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Contents

		Page
I.	Mandate and methodology	3
II.	Political and military developments	3
III.	Protection of civilians	5
IV.	Displaced persons	12
V.	Housing, land and property rights	17
VI.	Ongoing investigations	17
VII.	Recommendations	19
Annexes		
I.	Map of the Syrian Arab Republic	21
II.	Attacks on Damascus city and Rif Damascus by armed and terrorist groups	22
III.	Information note submitted by Turkey on Operation Olive Branch	23

I. Mandate and methodology

1. In the present report, submitted to the Human Rights Council pursuant to its resolution 34/26, the Independent International Commission of Inquiry on the Syrian Arab Republic[1] presents its findings based on investigations conducted from 16 January to 10 July 2018. The methodology employed by the Commission was based on best practices of commissions of inquiry and fact-finding missions.

2. The information contained herein is based on 402 interviews conducted in the region and from Geneva. The Commission collected, reviewed and analysed satellite imagery, photographs, videos and medical records. Communications from Governments and non-governmental organizations were consulted, as were United Nations reports.

3. The standard of proof was considered met when the Commission had reasonable grounds to believe that incidents occurred as described, and, where possible, that violations were committed by the warring party identified. The Commission's investigations remain curtailed by the denial of access to the Syrian Arab Republic.

II. Political and military developments

4. Continued proliferation of warring parties and increased militarization characterized the period under review, together contributing to unprecedented levels of internal displacement. Turkey announced on 20 January the launch of Operation Olive Branch, when Turkish armed forces alongside members of the Free Syrian Army (FSA) began cross-border operations into Afrin (Aleppo), in the north-west of the Syrian Arab Republic. The Government of Turkey declared that its aim was to fight terrorism and to ensure its border security, pursuant to Article 51 of the Charter of the United Nations (see S/2018/53). On 21 January, the Government of the Syrian Arab Republic condemned the operation as an act of aggression, a flagrant attack against the territorial integrity of the Syrian Arab Republic and a violation of the provisions of the Charter (see S/2018/82).

5. On the political front, the Syrian National Congress concluded its session on 30 January with the adoption of a final statement endorsing 12 principles developed by the United Nations and the establishment of a constitutional committee. The Government of the Syrian Arab Republic rejected the possibility of a role by the United Nations, however, stating that the constitutional process should be followed without foreign interference.

6. Outside Afrin, military escalation continued into February, when the Syrian Arab Army began a large-scale military operation towards Saraqib (Idlib). On 3 February, following the downing of a Sukhoi-25 fighter jet near Maasran, the aerospace forces of the Russian Federation intensified aerial attacks in Idlib. Clashes also continued between the newly established Jabhat Tahrir Suriya (the "Syrian Liberation Front")[2] and the terrorist group Hay'at Tahrir al-Sham[3] in Aleppo and Idlib governorates. In eastern Ghouta, aerial and ground bombardments reached a new peak in February 2018 (see A/HRC/38/CRP.3). In the light of the escalation, the Security Council sought to achieve a cessation of hostilities; efforts to de-escalate were unsuccessful. Turkish armed forces and FSA affiliates meanwhile captured Afrin (see paras. 14–31 below), whereupon the Government of Turkey declared that Tal Rifat and Minbij (Aleppo) would be next.

7. April was marked by the adoption of Presidential Decree no. 10 (see para. 91 below), which stoked fears among refugees and those internally displaced that the law could legitimize confiscation by the State of absentee property. The period also witnessed increased international tensions after the United States of America, the United Kingdom of

[1] The commissioners are Paulo Sérgio Pinheiro (Chair), Karen Koning AbuZayd and Hanny Megally.

[2] Comprising the groups Ahrar al-Sham and Nour al-Din al-Zenki.

[3] Despite the change in name from "Jabhat al-Nusra" to "Jabhat Fatah al-Sham" in July 2016, the Commission continues to regard the group as a terrorist entity as designated by the Security Council in its resolution 2170 (2014). After the first round of talks in Astana, on 28 January 2017 the terrorist group joined a number of extremist factions, including Ansar al- Sham and Ajnad al-Sham, to form the umbrella coalition of Hay'at Tahrir al-Sham.

Great Britain and Northern Ireland and France launched attacks in the Syrian Arab Republic on 13 April following a suspected chemical attack in Douma (see paras. 92–93 below). On 19 April, after failing to secure an "evacuation agreement", government forces escalated military campaigns against southern Damascus suburbs. On 30 April, the Syrian army began an operation to recapture northern rural Homs after negotiations facilitated by the Russian Federation had broken down a week earlier. Government forces meanwhile reached an agreement with armed factions to evacuate the southern Damascus suburbs of Yalda, Babila and Beit Sahem.

8. Between 13 and 17 May, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy, was invited to Damascus. After his visit, the Special Rapporteur concluded that sanctions were exacerbating the suffering of Syrian civilians by their negative impact on human rights and humanitarian access, an assessment with which the Commission fully concurs.[4]

9. Also in May, the Syrian Democratic Forces (SDF) announced operation Al-Jazeera Storm against remnants of the Islamic State in Iraq and the Levant (ISIL), which had regrouped along the border between the Syrian Arab Republic and Iraq. At the diplomatic level, representatives of the Islamic Republic of Iran, the Russian Federation and Turkey gathered in Astana on 14 May for a new round of talks to discuss developments in the "de-escalation zones" and humanitarian issues, and to coordinate efforts to resolve the conflict. On 15 May, government forces gained full control of the last opposition held enclave in Homs governorate (see paras. 32–34 below).

10. After a month of heavy fighting, pro-Government forces declared on 21 May they had recaptured Yarmouk camp (situated in a strategic area near Damascus city)[5] and adjacent districts of Qadam, Tadamun and Hajar al-Aswad. In Idlib, the Astana guarantors announced on 28 May the set-up of 29 observation points to monitor the Idlib de-escalation zone. In an attempt to regroup, 11 FSA factions based in Idlib simultaneously merged under the umbrella Jabhat al-Wataniya lil-Tahrir (the "National Liberation Front"),[6] creating one of the largest armed groups in the Syrian Arab Republic.

11. On 4 June, the United States of America and Turkey implemented a road map for Manbij (Aleppo), focusing on the withdrawal of the Kurdish People's Protection Units (YPG) from the area. Turkish and American officials indicated the road map would address issues that divided Ankara and Washington. On 18 June, the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, began a two-week process to bridge the gap between the guarantor states of the Astana process and the United States-led Small Group (comprising France, Germany, Jordan, Saudi Arabia, the United Kingdom and the United States). Discussions focused on prospects for progress on the constitutional track, and the continuation of diplomatic efforts in support of a political settlement.

12. After recapturing eastern Ghouta on 14 April and northern Homs on 15 May, pro-government forces directed their attention south, launching an offensive on 19 June to recapture Dara'a governorate, which led to the displacement of more than 270,000 civilians. Despite mediation efforts by the guarantors of the southern ceasefire (the United States, the Russian Federation and Jordan), the military operation continued for two weeks before armed groups reached a deal on 6 July to stay hostilities.

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[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), "UN expert says unilateral coercive measures exacerbate humanitarian crisis in Syria", press release, 17 May 2018.

[5] Yarmouk camp, located 8 km from central Damascus, was established in 1957. It was home to approximately 160,000 individuals prior to the conflict, comprising the largest Palestinian refugee community in the Syrian Arab Republic. In December 2012, the outbreak of hostilities forced some 140,000 refugees to leave Yarmouk camp. In April 2015, terrorists belonging to the Islamic State in Iraq and the Levant (ISIL) captured two thirds of Yarmouk, displacing thousands more to neighbouring Yalda, Babila, Beit Saham and Tadhamon.

[6] Comprises Faylaq al-Sham (the Sham Legion), Jaysh al-Nasr (the Army of Victory), the Free Idlib Army, the first and second Coastal Divisions, the 1st Infantry Division, Al-Jaysh al-Thani (the 2nd Army), Jaysh al-Nukhba (the Elite Army), Shuhada al-Islam Darayya, al-Hurriyat Brigade and the 23rd Division.

III. Protection of civilians

13. During the period under review, the proliferation of warring parties and the growing militarization led to an escalation of violence that affected several governorates countrywide. These battles not only critically exacerbated the protection of civilians, who continue to be affected by aerial and ground attacks, but also led to internal displacement of more than 1 million civilians, leaving many increasingly vulnerable in dire living conditions. Displacements were most often directly induced by the failure of warring parties to take all feasible precautions, as required by international humanitarian law, or by the unlawful conduct of parties that carried out indiscriminate and deliberate attacks, with little regard for civilian life.

Aleppo governorate

14. The Turkish armed forces and allied FSA members launched Operation Olive Branch on 20 January. Aerial and ground operations lasted two months, and were mostly carried out in Afrin district, away from the city. By the time the Turkish armed forces and affiliated armed groups entered Afrin city in mid-March, Kurdish forces, in an effort to avoid urban warfare and spare the civilian population, had relinquished control. The majority of attacks to capture Afrin were therefore focused on the rural outskirts of the district, far from densely populated civilian areas.

15. In carrying out aerial attacks, the Turkish air force tended to employ sophisticated aircraft and precise munitions. The bulk of ground forces comprised FSA-affiliated armed groups from neighbouring territory within the Syrian Arab Republic, including Ahrar al-Sham, Faylaq al-Sham, Jaish al-Nukhba, Jaish al-Sharqiya, Jabhat al-Shamiya and Nur al-Din al-Zinki. With some exceptions, ground forces were outfitted and armed as light infantry. In contrast, Turkish units were heavily armoured, deploying tanks, light personnel carriers and several types of artillery.

16. Opposing them were YPG forces, which were armed predominantly as light infantry. During February, smaller numbers of pro-government forces attempted to enter Afrin in support of Kurdish forces, but were halted by Turkish artillery strikes. On 18 March, Turkish forces declared Afrin city officially captured.

17. The Commission obtained preliminary information from the Turkish authorities concerning several incidents mentioned below. At the time of writing, a response to a request made by the Commission for further clarification on specific incidents had not been received, although a general note was received (annex III). Some aerial and ground attacks caused damage to civilian and specially protected objects in Aleppo governorate, including medical facilities, a market and homes. Before Operation Olive Branch, on 18 January, at approximately 11.30 p.m., a psychiatric hospital in Azaz, the only mental health hospital operating outside of government control and housing 157 long-term patients, was shelled by Kurdish forces based south-west of the area damaging its female section. Eleven women sustained injuries, and one woman subsequently died.

18. The brunt of hostilities in north-west Syrian Arab Republic was, however, borne primarily by the more than 320,000 civilians residing in Afrin district at the time of Operation Olive Branch. On 21 January, at approximately 1 p.m., several air strikes carried out by the Turkish air force hit a poultry farm between Jalbul and Maryamin. The attacks killed at least 11 civilians, including four farmhands, and a woman and her six children displaced from Idlib a few weeks earlier, and injured another seven people. The Commission reviewed information on what appeared to have been trenches along the northern side of the farm, indicating their possible use for military purposes.

19. Also on 21 January, bombardments hit the Tell Ain Dara archaeological site, less than 2 km from Ain Dara village and 10 km from Afrin city. The attack damaged the site protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO), including the entrance and the main hall. While the Government of Turkey denied responsibility for the attack, the Syrian Ministry of Culture blamed it for the

destruction.[7] Special care must be taken to avoid causing damage to historic monuments, unless they are military objectives.

20. The Turkish air force launched attacks on 22 February, at approximately 8.30 p.m., against a convoy of buses, microbuses and cars carrying hundreds of demonstrators through Jabal al-Alham, near Basuta village. The convoy was struck at three separate locations, leading to the death of at least one driver and the injury of 12 other people. A statement issued by Turkish forces on 23 February claimed a convoy carrying terrorists, weapons and ammunition had been struck. Witnesses detailed how the convoy had sought to bring food and medical supplies to Afrin; upon reviewing a substantial body of evidence, the Commission notes that the convoy comprised activists, nurses and a doctor, as well as demonstrators, including women and children. Despite a review of drone footage released by the Turkish Ministry of Defence,[8] the presence of fighters, weapons or ammunition could not be verified.

21. Towards the end of the military campaign, heightened aerial and ground bombardments over Afrin city drove thousands of civilians to flee. On 15 March, at approximately 8 p.m., dozens of vehicles queued up to leave Afrin city when the Turkish air force struck a checkpoint close to Turandah village, killing at least five individuals, including an elderly woman, a man in his mid-30s and a boy.

22. Throughout the next day, on 16 March, the Turkish air force and affiliated FSA units continued to escalate bombardments over Afrin city. At approximately 10.30 a.m., witnesses observed fighter jets circling above Al-Mahmoudiyah neighbourhood, and described an attack launched opposite a cattle market, where dozens of civilians had queued in vehicles, waiting to leave the city. The strike killed at least 20 civilians, including women, children and elderly persons, and injured at least 30 others. Witnesses buried some victims the following day, including at least seven women and one infant, emphasizing however that, owing to the ensuing chaos, funerary rites could not be observed.

23. Also on 16 March, at approximately 2.30 p.m., at least two attacks struck the main hospital in Afrin city.[9] The attacks killed at least nine civilians, including three women, and injured 20 others. No warnings were issued prior to the attacks. According to witnesses, there were no military installations within or near the hospital.

24. Just prior to the launch of Operation Olive Branch, Kurdish forces committed the war crime of launching an indiscriminate attack on 18 January, in addition to violations of the right to life, liberty and security of person (see para. 17 above). In conducting airstrikes beginning on 20 January, the Turkish air force may have failed to take all feasible precautions prior to launching certain attacks, in violation of international humanitarian law.

25. Once the capture of Afrin district was declared, general administration underwent significant changes at both the district and village levels. Residents described life under new authorities, pointing out the creation of new governance structures, with Turkish forces and affiliated armed groups replacing local self-administration with new local councils. New judges were also appointed; witnesses noted that the judges received salaries in Turkish liras paid by Turkey. In late May, a civilian police apparatus was introduced consisting mainly of former armed group members. Residents consistently reported their uncertainty about who was in charge of security and public order, and that the presence of armed groups led to numerous violations.

26. Residents reported patterns of arrests, beatings and kidnappings by FSA-affiliated armed groups that, beginning with their takeover of certain areas, became notorious for their arbitrary arrests and detention. Some also stated that they had been arrested by FSA factions and kept incommunicado for extended periods of time, with others also claiming that they had been interrogated by Turkish officials. The Commission received accounts according to which, in the villages of Maidanu and Sotio, 29 young men had been arrested

[7] See "More civilians killed due to Turkish aggression on Afrin", Syrian Arab News Agency (SANA), 28 January 2018.

[8] Available at www.youtube.com/watch?v=yr1ym_gdS3M.

[9] See satellite imagery of the damage caused to the hospital on the website of the Commission of Inquiry at www.ohchr.org/en/hrbodies/hrc/iicisyria/pages/independentinternationalcommission.aspx.

and disappeared by armed group members on 22 March. Numerous individuals also pointed out how suspected YPG supporters, former members of the civil administration and members of their families, journalists, activists and perceived supporters of the Government of the Syrian Arab Republic were targeted.

27. Those detained by FSA-affiliated groups were never told where they were being held, and often could not recognize their captors. Others described inhumane conditions of detention, including overcrowded cells and minimal food. The Commission is investigating reports of deaths in detention by Al-A'mshat armed group.

28. Numerous residents reported widespread looting and appropriation of civilian homes by members of armed groups when the latter entered Afrin city in March. Victims described how houses were looted to the point where they had been "stripped of furniture, electrical appliances and all decor". Witnesses stated that Turkish troops were on occasion present in the vicinity where lootings took place, but had not acted to prevent them. Further reports were received on the looting of hospitals, churches and a Yazidi shrine. Regarding the latter, the Commission also received reports on the destruction of other Yazidi religious sites in attacks that appeared to have sectarian undertones.

29. Cars were also stolen from residents, who had to purchase them back for between $2,000 and $5,000. Some witnesses also reported that lootings were not carried out exclusively by members of armed group but also by citizens, in particular immediately after the fall of Afrin, reflecting how no actor was willing or able to uphold public order. Victims reported cases of looting to a newly established "military police", which mainly comprised former FSA fighters, or to committees established by armed groups, both of which failed to offer any tangible restitution.

30. Beyond cases of looting, the Commission documented patterns of house appropriations, in particular from Kurdish owners who had fled clashes. Returnees were barred from their properties and informed by members of armed groups that their real or presumed support for the YPG precluded them from living in the area. Homes were then used by armed groups for military purposes, or as housing for fighters and their families. Fighters and their families who arrived from eastern Ghouta via Idlib after its evacuation (A/HRC/38/CRP.3, paras. 68–70) took over residences from Kurdish individuals who had fled. Confiscated homes appear to have been systematically marked by armed group members with graffiti.

31. The Commission was unable to confirm the exact extent to which Afrin or its environs were under the control of Turkish forces or armed groups at the time of writing. Members of various armed groups repeatedly committed the war crime of pillaging in Afrin, further seriously contravening the right to enjoyment of possessions and property.[10] If any armed group members were shown to be acting under the effective command and control of Turkish forces, the violations committed may be attributable to Turkish military commanders who knew or should have known about the violations.[11]

Northern Homs governorate

32. Pro-government forces initially encircled northern Homs in February 2012, after which civilians were forced to subsist on locally produced food and the limited amount of goods transferred through government-controlled checkpoints. Government forces continued to deny sporadically the entry of vital foodstuffs and medicine throughout the period under review, rendering northern Homs hard to reach by humanitarian actors. Almost immediately after declaring a decisive victory over eastern Ghouta on 14 April, pro-government forces redoubled their efforts to recapture northern Homs, and Yarmouk camp and its environs (see paras. 41–46 below) by escalating aerial and ground attacks on

[10] See for example *The Prosecutor v. Germain Katanga*, International Criminal Court, ICC-01/04-01/07, 7 March 2014, paras. 925-957; see also Universal Declaration of Human Rights, art. 17.

[11] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol. I: Rules, International Committee of the Red Cross, 2005, rule 153.

15 April. Following several rounds of talks brokered under the aegis of the Russian Federation, pro-government forces and representatives of armed groups in the presence of local council members reached a temporary ceasefire on 18 April with a view to facilitate further negotiations. Clashes intensified on 29 and 30 April, however, primarily affecting civilians in Rastan and Talbiseh towns.

33. On 8 April, pro-government militia members in Masharafah launched a ground attack at approximately 5 p.m. on a road near Makramiyah village, killing four family members, including an infant, and injuring three other siblings, the youngest aged 5 years. Similarly, on 23 April, pro-government militia members struck the Dhahabiyah site for internally displaced persons situated 4 km from Zafarana, killing an 18-year-old and a child, and injuring two men. According to victims and witnesses, there were no military installations located in the areas.

34. Increased violence marked the weeks preceding negotiations in May, particularly on 29 and 30 April. Civilians recalled that shelling was so heavy they sought refuge underground, while others fled on bicycles and on foot. On 29 April, at approximately 10.25 a.m., pro-government forces launched airstrikes against the surgical hospital in Zafarana, supported by the Union of Medical Care and Relief Organizations. Minutes later, at 10.30 a.m., the primary health-care point was damaged in a second attack. On 30 April, pro-government forces launched airstrikes against a medical facility in Rastan, rendering it inoperable; no warnings were issued prior to the attacks. Government forces declared the area recaptured on 15 May.

35. The Commission finds that the attacks by pro-government militia members on 8 and 23 April described above constituted the war crime of launching indiscriminate attacks, and contravened the right to life, liberty and security of person. The attacks by pro-government forces on 29 and 30 April described above constitute the war crime of deliberately attacking protected objects.

Damascus and Rif Damascus governorates

36. Pro-government forces continued to lay siege to both eastern Ghouta[12] and Yarmouk camp during the period under review. A series of unlawful attacks, characterized by an escalation in aerial and ground offensives to retake the areas, were carried out against both sites. To recapture eastern Ghouta in April, government forces launched numerous indiscriminate attacks in densely populated civilian areas,[13] which included the use of chemical weapons.[14] Attacks by pro-government forces on eastern Ghouta were frequently met with reprisal violence perpetrated by besieged armed groups (see annex II).[15]

37. Government forces and/or affiliated militias launched a series of ground attacks in Douma, eastern Ghouta on 22 January and 1 February. The locations attacked were in Karm al-Rasas, near Douma stadium and 150 m from Harasta. Victims and witnesses described Karm al-Rasas as a residential neighbourhood inhabited by civilians, some 800 m from the closest frontline. Both series of attacks were carried out between approximately 5 and 6.30 a.m. The first attack on 22 January injured six children, seven women, and eight men, while the second on 1 February injured three women.

38. In both incidents, victims and witnesses, including treating medical staff, described strikingly similar symptoms, including but not limited to respiratory distress, coughing, burning eyes, throat irritation and nausea. Witnesses consistently recalled the distinctive smell of chlorine at the affected sites and on victims' clothing. Some witnesses described a scent similar to bleach and household detergents, though more pungent.

39. Witnesses also described a slow-acting agent. One witness recalled how, upon recognizing the smell of chlorine, he had had just enough time to rouse those nearby, to wet

[12] See A/HRC/38/CRP.3.
[13] Ibid., paras. 38–43.
[14] Ibid., paras. 37–40 and 90–91.
[15] Ibid., paras. 53–57.

cloths to use as makeshift facemasks, and to evacuate the affected areas. In both incidents, first responders effectively treated symptoms with oxygen and bronchodilators (for example, salbutamol), a procedure commonly followed to treat exposure to chlorine.

40. Concerning munitions used on both 22 January and 1 February, the Commission obtained and assessed material evidence, including metadata analysis, and identified a surface-to-surface, improvised rocket-assisted munition ("IRAM"). While munitions of this type have been employed by a range of actors across the Syrian Arab Republic, the particular design of the munitions observed during the two attacks indicated a type known to have been used only by government forces or, rarely, by affiliated militias. Specifically, the munitions documented were built around industrially produced Iranian artillery rockets known to have been supplied to forces commanded by the Government of the Syrian Arab Republic. The foregoing attacks follow a pattern previously documented by the Commission concerning the use of chemical weapons by government forces and consistently observed since April 2014.[16] The Commission concludes that, on these two occasions, government forces and/or affiliated militias committed the war crimes of using prohibited weapons and launching indiscriminate attacks in civilian populated areas in eastern Ghouta.

41. Government forces initially laid siege to Yarmouk camp in July 2013, encircling some 18,000 civilians and preventing the entry of humanitarian aid. The operation to recapture the area began on 19 April with a campaign on neighbouring Al-Hajar al-Aswad district. Aerial and ground operations were carried out by the Syrian army, affiliated militias, including Palestinian militias and the National Defence Forces, and Russian aerospace forces. Throughout the campaign, damage to residences and civilian infrastructure was severe, resulting in numerous families living in dire circumstances.

42. During the period under review, several distinct armed groups and terrorist organizations were present in Yarmouk camp, in particular ISIL, which exercised control over two thirds of the camp and over adjacent areas, including Al-Hajar al-Aswad district (see para. 10 above). Throughout the campaign, ISIL members indiscriminately bombarded government-held positions located on the outskirts of the camp. Members of Hay'at Tahrir al-Sham controlled areas in northern Yarmouk, while FSA fighters also maintained a presence in the camp. FSA groups also controlled the areas east of Yarmouk, including Yalda, Babila and Beit Sahem.

43. Between 19 and 24 April, pro-government forces increased bombardments of Yarmouk camp, displacing up to 5,000 civilians to neighbouring Yalda. On 26 April, a spokesperson for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) described the unfolding situation as "unimaginably brutal for civilians". Two days later, on 28 April, pro-government forces recaptured Al-Mazniyeh, Al-Joura, Al-Asali and Al-Qadam in southern Rif Damascus; by 5 May, they controlled two thirds of Yarmouk camp. By 20 May, government forces fully captured Al-Hajar-al-Aswad; immediately afterwards, buses entered the enclave to evacuate the ISIL fighters.

44. Government forces announced on 21 May that Yarmouk camp and its environs – the last opposition redoubt in Damascus – had been successfully recaptured, marking the Government's complete control over the capital governorate after more than five years of intermittent siege and clashes. Up to 10,000 civilians subsisting in Yarmouk were affected by the final battle.

45. Although UNRWA had been able to provide food, hygiene items and basic medical services inside Yarmouk camp since January 2014, its operations were intermittent and severely affected by hostilities. Clashes and bombardments over Yarmouk intensified in April 2015, when ISIL militants captured two thirds of the camp, thereby severing access to UNRWA and rendering civilians extremely vulnerable.

46. In April 2013, government forces laid siege to Yarmouk camp, compounding the suffering of civilians and thereafter systematically denying humanitarian aid deliveries. In

[16] For chemical weapons attacks documented by the Commission of Inquiry as at 15 January 2018, see www.ohchr.org/SiteCollectionImages/Bodies/HRCouncil/IICISyria/COISyria_ChemicalWeapons.jpg.

instances where the siege was temporarily eased, the camp was still extremely hard to reach for humanitarian actors. A majority of the 10,000 civilians who had remained trapped inside Yarmouk until its recapture on 21 May were forcibly displaced pursuant to an "evacuation agreement".

Dara'a governorate

47. After securing the northern Homs pocket (see paras. 32-35 above) and Yarmouk camp (see paras. 41-46 above), pro-government forces turned their attention south-west, steadily advancing in Dara'a governorate throughout June and capturing territory east of the M5 highway. Dara'a, the cradle of the Syrian uprising, had significant symbolic value for the pro-government forces. Several towns, including Busra al-Harir and Herak, were largely destroyed during air and artillery bombardments in operations carried out using conventional, low-accuracy, industrially produced munitions, and cargo rockets with highly explosive and incendiary submunitions, short-range thermobaric munitions, improvised models with over-calibre warheads, and artillery guns and mortars.

48. Armed groups offered mild resistance, while many retreated alongside civilians fleeing south. The effect of heavy bombardments became evident by late June, as armed groups and civilians found themselves pressed against the border with Jordan, without humanitarian aid (see paras. 84–85 below) and vulnerable to encroaching attacks.

49. Initial negotiations for a ceasefire coordinated by the Russian Federation in early July quickly broke down, and were followed by intensified bombardment beyond previous levels. When armed groups made their handover of heavy weapons conditional on the return of displaced civilians, pro-government forces resumed bombarding towns, ceasing only when the armed groups reached a local truce and "evacuation agreement" on 6 July. Upon securing control over most of Dara'a and evacuating fighters and civilians on 15 July, pro-government forces began operations on the same day against positions of armed groups near the Golan Heights.

50. While parts of Dara'a governorate remained under the control of armed groups during the period under review, government forces consistently held other parts of fractured Dara'a city, with lines of territorial control divided by the Zaidi valley. Western rural Dara'a was under the control of ISIL affiliates, while FSA-affiliated forces controlled the eastern side.

Idlib governorate

51. Idlib governorate, the last major stronghold under the control of armed groups and terrorist organizations, witnessed outbreaks of violence throughout the period under review. Towards late 2017, pro-government forces heightened aerial attacks over both Idlib and adjacent areas, renewing offensives in late January, late March and early June. The organized evacuations of members of armed groups and terrorist organizations countrywide to Idlib contributed further to an already precarious situation on the ground, as infighting among them continued to have an impact on civilian life. Many such groups, often with competing agendas and extremist ideologies, have been vying for control over limited resources and beleaguered civilian populations.

52. After Ahrar al-Sham and Nour al-Din al-Zenki merged on 18 February to form Jabhat Tahrir Souriya (see para. 6 above), infighting between Jabhat Tahrir Souriya and Hay'at Tahrir al-Sham increased dramatically. When members of Jabhat Tahrir Souriya murdered a commander of Hay'at Tahrir al-Sham on 16 February, clashes between the two groups spread to western Aleppo and northern Idlib, affecting civilian life in more than 20 towns and localities, including Maarrat al-Nu'man, Ariha and Tramla. By the end of February, Hay'at Tahrir al-Sham had lost control of most territories in Aleppo, causing the terrorist group to retreat to north-west Idlib. In early March, Hay'at Tahrir al-Sham initiated a counteroffensive in Idlib to retake the territories. Meanwhile, attacks by pro-government forces continued to affect civilians throughout the governorate.

53. Beginning in late January, pro-government forces increased airstrikes over north-west Idlib, targeting civilian and specially protected objects, including medical facilities,

markets and schools, as well as densely populated civilian areas. On 29 January, at approximately 7.30 a.m., pro-government forces launched an airstrike that hit the Saraqeb potato market, killing at least 12 men and a boy, and injuring another six men. A venue frequented predominantly by men, most of the victims were merchants and workers from nearby areas.

54. Later, at approximately 10.30 a.m., pro-government forces launched an airstrike in Saraqeb using concrete-piercing ("bunker buster") munitions that hit the eastern part of Oday (also known as Al-Ishan) Hospital, where victims of the attack on the potato market were being treated. Six men, including three medical staff, were injured, and the hospital was rendered out of service. According to victims and medical staff, there were no military installations inside or near Oday Hospital, and no warnings had been issued prior to the attack.[17]

55. Further bouts of increased hostilities were documented after 3 February, when a Russian Sukhoi-25 ground-attack aircraft operating in Maasran was shot down by members of Hay'at Tahrir al-Sham (see para. 6 above), who claimed responsibility for murdering the pilot. The following day, pro-government forces intensified aerial operations in north-west Idlib. On 4 February, at approximately 9 p.m., Government helicopters dropped at least two barrels carrying chlorine payloads in the Taleel area of Saraqeb. Victims described symptoms consistent with the use of chlorine, including shortness of breath, a burning throat, coughing, dilated pupils and chest pain, and also recalled a smell similar to household detergents. The attack led to the injury of at least 11 men, including three first responders. Documentary and material evidence analysed by the Commission confirmed the presence of helicopters in the area and the use of two yellow gas cylinders.[18]

56. On 5 February, at approximately 4.50 p.m., pro-government forces launched another airstrike in Saraqeb, which hit a building that housed a thalassemia centre and blood bank, the latter which serviced hospitals in Idlib, southern Aleppo and northern Hama. The attack resulted in the wounding of one man and the destruction of vital equipment, thereby depriving hundreds of patients of life-saving medicine and blood transfusions. No warnings were issued prior to the attack.

57. Further peak levels of violence were documented in late March. On 21 March, at approximately 10 a.m., pro-government forces launched several airstrikes on Kafir Bateek village. The first airstrike hit an open area some 300 metres from an elementary school for girls, which led terrified staff to evacuate immediately. Approximately 10 minutes later, a second airstrike hit an area 30 metres from the school, by which time children and staff had already evacuated. Twelve schoolgirls took refuge in a nearby shelter alongside a 52-year-old man and his family of three daughters and four grandchildren. A third strike hit the shelter, killing all 20 civilians inside. Rescuers retrieving the bodies described how most of those killed were schoolgirls who were still wearing their backpacks.

58. The following day, on 22 March, at approximately 4.10 and 4.20 p.m., pro-government forces launched a "double-tap" attack[19] against a popular market in a residential area of Harem city. More than 50 people, including 18 children, were killed in the attacks, and at least 70 others injured. The attacks were carried out at the end of a school day, which partly explains the large number of casualties.

59. Between April and May, pro-government forces primarily focused military operations on recapturing Yarmouk camp (see paras. 41–46 above), returning to Idlib in early June. On 7 June, for example, at approximately 9.10 p.m., during evening prayers, pro-government forces carried out an airstrike on a residential area near the Saad bin

[17] Since 2013, the Commission has documented how pro-government forces systematically target health-care infrastructure to deprive both civilians and belligerents of medical treatment.

[18] See the report of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons of 15 May 2018 on an alleged incident in Saraqeb on 4 February 2018, available at www.opcw.org/fileadmin/OPCW/S_series/2018/en/s-1626-2018_e_.pdf.

[19] A "double-tap" attack is one in which a second attack on a target/area follows shortly after the first, with the effect of killing and injuring those who arrive to provide aid to, mourn or remove bodies of victims of the first attack.

Mowat mosque in Zardana. Roughly 30 minutes later, pro-government forces launched a "double-tap" attack against the same area, killing and wounding first responders. The attacks led to the death of 48 men, women and children, and the wounding of up to 80 civilians. The impact of the weapons employed destroyed whole buildings, and created craters up to 10 metres deep and 10 to 15 metres wide.

60. Throughout Idlib, armed groups and terrorist organizations continued to interfere with civilian life in both the public and private spheres, with the majority of violations attributed to Hay'at Tahrir al-Sham terrorists. In areas under the group's control, its self-styled "Salvation Government" operates as the quasi civil/administrative authority delivering services, including civil registration, education and health care, and exerting control over civilians through committees established with the stated aim of fighting vice and ensuring "moral" conduct.

61. In areas under the control of armed groups, local councils and structures of their interim government remain functional (for example, the directorate of health is based in Maarat al-Numan). The Commission received numerous allegations of the arbitrary arrest of civilians and the kidnapping of teachers and health-care workers by armed groups. These allegations are under investigation. Witnesses described how areas taken over from armed groups by Hay'at Tahrir al-Sham experienced even worse living conditions, with the terrorist group's edicts having a disparate impact on women and girls.[20]

62. Members of Hay'at Tahrir al-Sham have been issuing decrees demanding, for example, that women and girls over 9 years of age wear a black or dark brown *jalabiya*, a wide-cut, loose-fitting garment, when venturing outdoors. They may not wear dresses with bright colours, must cover their hair, and cannot wear makeup. Hay'at Tahrir al-Sham has been issuing similar decrees in schools in Idlib, emphasizing that female students who do not abide by the dress code will be banned from attending classes.

63. The Commission finds that pro-government forces committed the war crimes of deliberately attacking protected objects, intentionally attacking medical personnel (see paras. 54 and 56 above) and using prohibited weapons (see para. 55), and that, on four occasions, pro-government forces did not direct attacks at a specific military objective, which amounted to the war crime of launching indiscriminate attacks in civilian areas (see paras. 53 and 57-59 above).

IV. Displaced persons

64. The fierce battles in Aleppo, northern Homs, Damascus, Rif Damascus, Dara'a and Idlib governorates collectively displaced more than 1 million Syrian men, women and children in six months. In the majority of cases documented by the Commission, displacement was directly induced by the unlawful behaviour of warring parties. Such conduct included both unlawful attacks, which caused civilians to flee their homes in fear and desperation, and forced displacements pursuant to "evacuation agreements" negotiated between warring parties and reached as part of local truces.[21] While the Commission continues to document aerial and ground offensives that kill and maim scores of civilians countrywide, it notes that, after seven years of war, more than 5.5 million refugees have fled the country and more than 6.5 million civilians live displaced inside the Syrian Arab Republic.

65. The fear of returning to an area where the unlawful conduct of belligerents caused residents to flee their homes will also have a devastating impact on the future demography of a now severely fractured Syrian society. In numerous instances, the Commission received accounts from individuals who were too afraid to return to areas recently

[20] For an analysis of how Hay'at Tahrir al-Sham strictly interprets the tenets of Islamic law (sharia) in a manner that systematically discriminates against women and girls, see A/HRC/37/CRP.3, footnote 6.

[21] See the report of the Commission "Sieges as a weapon of war: encircle, starve, surrender, evacuate", 29 May 2018, available at www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges_29May2018.pdf.

recaptured by government forces, including in eastern Ghouta (Rif Damascus), northern rural Homs and Yarmouk camp (Damascus). In other instances, including in Afrin (Aleppo), members of armed groups pillaged extensively from civilian homes, leaving civilians who fled clashes with little to return to (see para. 28 above). In other cases, those displaced found their homes occupied by fighters and their families, or appropriated by armed groups to be used for military purposes (see para. 30 above). Some incidents appear to have sectarian undertones. In other cases, including in Raqqah and Dayr al-Zawr governorates, barriers to return include the large-scale destruction of civilian homes and infrastructure and the presence of unexploded ordnance.

66. In the present report, the Commission highlights the battles that led to mass displacement, and the plight of those civilians deeply affected. In none of the instances documented did warring parties attempt to provide accommodation reflecting the most basic standards entitled to those displaced, nor was any displacement carried out in satisfactory conditions of safety, nutrition, health or hygiene; rather, many displaced civilians found themselves in areas controlled by armed groups in the northern part of the Syrian Arab Republic, left to subsist in overcrowded camps or abandoned buildings without basic services. In the south, thousands of civilians displaced during clashes in Dara'a (see paras. 84–85 below) are living in their vehicles or out in the open under the searing desert sun, surviving in unimaginable conditions on extremely limited and rationed international humanitarian aid. Within the framework of the "evacuation agreements", the responsibility to provide civilians with food, water and adequate living conditions rests with the parties undertaking the displacement, including pro-government forces and armed groups, that negotiated, signed and implemented the agreements; they have, however, neglected that responsibility. Tens of thousands of other internally displaced persons continue to endure severely overcrowded and/or underserved sites in Rif Damascus, where many are being unlawfully interned by government forces.[22]

67. The Commission has noted that local and international humanitarian organizations continue to play an auxiliary role in ameliorating the crisis facing internally displaced persons, even though their access to such persons is often deliberately denied by government forces, armed groups and terrorist organizations or curtailed by the ongoing hostilities. In areas where they are able to operate, their presence and the assistance they provide has helped to reduce the harm to which internally displaced persons are exposed, but has been insufficient to meet the mounting humanitarian and protection needs of hundreds of thousands of internally displaced persons who remain at risk countrywide. For these reasons, the Commission makes a set of pragmatic recommendations to all warring parties, to address the myriad issues affecting civilians displaced as a result of the conflict, including on ensuring their housing, land and property rights (see paras. 90-91 below).

Aleppo governorate

68. A first wave of displacement was documented during the initial days of Operation Olive Branch, when Turkish forces and affiliated groups began bombarding areas outside of Afrin city. By 22 January, approximately 5,000 individuals had fled from areas including Admanli, Bulbul and Shankal. Families wanting to leave Afrin district were required, however, to obtain authorization from the Democratic Union Party (PYD) authorities, as exit points were closed by the YPG and Asayish, the Kurdish civilian police. According to some displaced civilians, prior to the end of the military operation, they were prevented from leaving Afrin district by Kurdish authorities until an attack was imminent (although urgent medical cases were allowed to leave on an exceptional basis). By mid-February, more than 15,000 civilians seeking safety were displaced within the district to Afrin city and neighbouring areas.

69. Civilians displaced within Afrin consistently described conditions of overcrowding and how dozens of individuals had sought refuge in buildings with only a few rooms, while some families stayed outdoors on construction sites, where they were exposed to harsh

[22] See A/HRC/38/CRP.3, paras. 63–67.

winter weather. They also struggled to cope owing to their limited access to basic services, including water and electricity, and the high prices for basic commodities. Their suffering was exacerbated when, in early March, their access to the main water pumping station in Matina village was severed, leaving them without running water for weeks. Distressed civilians recalled how, in desperation, they relied on wells for both consumption and sanitation. Overcrowding led to severe shortages of food, as witnessed in the long queues of displaced individuals in front of bakeries. Civilians recalled that, as aerial and ground operations moved closer to Afrin city, they were forced to hide in cellars for days, without access to toilets, limited quantities of (unpotable) water, and no food.

70. By mid-March, when aerial and ground bombardments reached Afrin city, desperate civilians fled to areas under government control, resulting in a second wave of displacement. Those displaced described how thousands of men, women and children had fled the city. By 18 March, when Afrin district was officially declared captured, approximately 98,000 of more than 320,000 displaced men, women and children had been registered in the towns of Tal Refaat, Nabul and Zahraa.

71. At the time of writing, more than 138,000 displaced individuals remained in Tal Refaat, Nabul and Zahraa, and in surrounding communities. The dire general humanitarian situation that the civilian population currently endures is further exacerbated by the fact that aid agencies require authorization by the Governor of Hatay, in Turkey, to serve certain areas. Despite the greater presence of humanitarian partners in these areas, assistance and services are still insufficient, particularly for those displaced to rural areas. Civilians described facilities in sites for those displaced as substandard and inadequately equipped to ensure the dignity and safety of women and children. Some displaced men described fearing forced recruitment by government forces.

72. Persons internally displaced from Afrin are still subject to significant restrictions on their freedom of movement. Villagers in particular stated that members of armed groups refused to allow them to re-enter their villages through checkpoints unless they paid a bribe ranging from $50 to $75. A number of residents from Afrin district expressed their reluctance and indeed fear of returning to live under its new authorities.

Northern Homs governorate

73. On 1 May, pro-government forces and armed groups reached a local truce and "evacuation agreement" to transport fighters, their families and other civilians from the towns of Rastan, Telbiseh, al Houla and Zafarana to Idlib and northern Aleppo, which are under armed group control. The first round of evacuations scheduled for 5 May was postponed two days to facilitate the evacuation of civilians from southern Damascus (paras. 79–81).

74. Pursuant to the local truce, and after establishing gathering points in Rastan and Telbiseh, civilians in the area were informed of their evacuation to Idlib and Jarablus, Aleppo on 1 May. Owing to the hostilities and the notorious living conditions for internally displaced persons in Idlib (see paras. 86–89 below), however, most elected to go to Jarablus. Others reportedly went to Afrin, while up to 217,000 remained in the area.

75. After government forces declared the area recaptured on 15 May, displaced civilians consistently described how they decided to leave owing to their fear of remaining and the imposition of military service on all men between 18 and 42 years of age. One man stated that his entire family had left their home in Zafarana, despite their fear of looting or of the destruction of their property, because they feared reprisal violence and the prospect of forced conscription even more.

76. From 7 to 16 May, approximately 35,000 men, women and children, under the supervision of Russian military police, were transported on government buses and vehicles from villages in northern Homs primarily to Idlib and Jarablus, Aleppo. Lack of coordination among parties to the agreement and armed groups manning the areas near Jarablus, however, led to prolonged delays for civilians displaced from Rastan. On 9 May, at a checkpoint in Al-Bab, civilians waited for hours to cross into Jarablus, without basic

assistance or food. Evacuees reported that at least one woman perished during the 25-hour journey.

77. Civilians consistently reported how they had not been informed about certain terms of the "evacuation agreement", such as the exact destination of sites and possible alternative routes. One man recalled that, on 16 May, a bus detoured through areas controlled by pro-government forces, whereupon civilians came under fire from unidentified shooters. The bus was subsequently damaged, and a woman and child were injured.

78. The evacuation process in northern Homs appears to have been similar to patterns previously documented by the Commission.[23] For every one of the more than 35,000 men, women and children unable to choose his or her destination, the decision to evacuate that person amounts to the war crime of forced displacement.

Damascus and Rif Damascus governorates

79. On 29 April, government forces and FSA-affiliated armed groups positioned in Yarmouk camp reached an evacuation agreement for both fighters and civilians. The following day, an agreement to evacuate fighters and civilians from Yarmouk was also reached with Haya't Tahrir al-Sham; evacuations began soon after and were completed by early May. Although the terms of the agreement were not conveyed to displaced civilians, population swaps were agreed upon concerning the predominantly Shia towns of Fu'ah and Kafraya in Idlib,[24] and the release in two stages of some 40 civilians kidnapped by armed groups in Eshtabraq village in Jisr al-Shughur, Idlib.

80. On 20 April, reports emerged that some 7,000 civilians, the vast majority of them Palestinian refugees, had been displaced since 13 April to the towns of Yalda, Babila and Beit Saham in southern Damascus (see para. 7 above);[25] more than 1,300 civilians, mainly women and children, were subsequently evacuated from the areas to northern rural Aleppo. Up to 10,000 civilians have been evacuated from southern Damascus since 4 May.

81. Civilians evacuated from Yarmouk camp and its environs between late April and early May described the deplorable living conditions in the camps to which they were sent. Each family evacuated to Aleppo, for example, was provided with only a plastic tent measuring 4 metres by 4 metres, while outdoor temperatures climbed to as much as 50°C. Warring parties did not provide internally displaced persons with food or water, nor did they facilitate access to basic sanitation facilities.

82. Most of Yarmouk camp was severely damaged by hostilities, temporarily nullifying the feasibility of return for those displaced. Thousands of internally displaced Palestinians from Yarmouk camp and the neighbouring areas moreover lack legal status, which contributes even further to the uncertainty regarding their future both within and outside the Syrian Arab Republic.

83. In Rif Damascus, more than 16,000 of those displaced during the battle to recapture eastern Ghouta, many of whom unlawfully interned by government forces,[26] continue to subsist across seven severely overcrowded and/or underserved sites (see para. 66 above).

Dara'a governorate

84. In late June, scores of civilians began fleeing their homes from flashpoint areas, including Busra al-Harir, towards safer areas in Dara'a governorate. Civilians reported that,

[23] See "Sieges as a weapon of war" (see footnote 21).

[24] In March 2015, armed groups primarily under the Jaish al-Fatah formation overtook Idlib city and laid siege to both Fu'ah and Kafraya.

[25] Seewww.un.org/unispal/document/military-operations-in-syrias-yarmouk-camp-displace-7000-mostly-palestinian-refugees-daily-press-briefing-by-secgen-spokesman-excerpts.

[26] See A/HRC/38/CRP.3, paras. 63–67.

at the time, more than 1,000 families sought shelter in abandoned schools, local council buildings or in the homes of others, all of which were overcrowded and lacked sufficient facilities to meet their needs.

85. Overall, an estimated 270,000 individuals fled clashes towards the southern border, and up to 60,000 currently live in extremely harsh conditions (see para. 12 above). One man stated that the situation on the border was "indescribable", and recalled how five children had perished on 29 June either due to heatstroke or after having been stung by scorpions. At the time of writing, the Governments of both Jordan and Israel maintain closed borders. Some 164,000 more internally displaced persons have relocated to camps in Quneitra governorate. One witness emphasized that thousands of civilians intentionally avoided seeking refuge in government-held areas for fear of forced conscription or detention.

Idlib governorate

86. More than half of the 2.5 million people residing in Idlib have been displaced since the onset of conflict, often multiple times. During the period under review alone, more than 500,000 civilians had been displaced to and within Idlib. Beginning in April, many of the 80,000 Syrian men, women and children predominantly from eastern Ghouta,[27] rural Northern Homs (see paras. 73–76 above). and Yarmouk camp in Damascus (para. 79) were forcibly displaced to Idlib following the conclusions of the "evacuation agreements". Living conditions in severely overcrowded areas were further strained by the new influx, with those displaced often left to fend for themselves, without the bare necessities required for survival.

87. Those displaced to makeshift camps in rural areas throughout Idlib have been particularly vulnerable. Exposure to heavy rains and floods at the beginning of the year distressed affected communities, most of whom are forced to live without potable water and other basic necessities, such as fuel and blankets. The delivery of medical services has been limited; some doctors, working alone and without basic medical supplies, treat as many as 200 patients a day. Educational opportunities for children in camps are largely unavailable.

88. Overwhelmed by the sheer number of displaced persons, aid organizations in Idlib reported enormous difficulties in conducting their operations. The largest number of persons displaced since the onset of the conflict has coincided with a shortage of international funding, making it impossible for aid teams to deliver basic life-saving aid, despite their full access to certain areas. Indiscriminate attacks against communities of internally displaced persons make aid operations even more difficult.

89. In northern Idlib, for example, the Atma cluster of camps for internally displaced persons was attacked on 6 February. At approximately 10 a.m., one mortar hit Al-Bayan camp, while two others struck Al-Jazeera camp. A girl displaced from Raqqah in 2017 was killed, and at least seven other displaced persons were wounded, including the father of the girl, another 17-year-old girl, a 6-year-old boy and a 2-year-old girl. Several witnesses pointed out that the shelling had originated from the Deir Ballut area, at the time under the control of YPG, which committed the war crime of launching indiscriminate attacks against Al-Bayan and Al-Jazeera camps, and further seriously contravened the right to life, liberty and security of person.

V. Housing, land and property rights

90. While challenges to the protection of housing, land and property rights of individuals and communities throughout the Syrian Arab Republic were exacerbated during the period under review by the battles described elsewhere in the present report, such challenges actually predate the current conflict. These challenges include lack of accurate inheritance and property transaction records in the cadastre, varying degrees of acceptance

[27] Ibid., paras. 68–70.

of informal housing, and corruption in government systems. The massive scale of destruction, displacement and death wrought by seven years of conflict has created more hurdles for individuals seeking to protect their rights, in particular for refugees, internally displaced persons and female-headed households. Displaced persons are particularly affected owing to their limited access to basic information and greater vulnerability. Governments have not only the right but also the obligation to develop a framework for reconstruction and development, and the protection of property rights. In this context, and since at least 2013, the domestic Syrian legal framework has been undergoing significant changes concerning property rights.

91. During the period under review, much attention was paid to Presidential Decree (or "Law") No. 10, which expands and modifies Presidential Decree No. 66/2012. The Commission has regularly drawn attention to the promulgation of laws and decrees that may appear to be legitimate attempts to reform land laws and accelerate reconstruction but do not take into account the situation of displaced persons. Law No. 10, for example, does not appear to take into account the issue of missing persons, female-headed households, good faith transactions undertaken in areas outside of government control, barriers to protecting property rights remotely or the lack of civil documentation of a large proportion of those displaced.[28] In addition, the Commission's review of existing legislation indicates that Presidential Decree No. 19/2012 on counter-terrorism allows for persons convicted of a wide range of offences to have their property confiscated by the State. Investigations into these legal developments are ongoing.

VI. Ongoing investigations

92. Throughout 7 April, numerous aerial attacks were carried out in Douma, striking various residential areas. A vast body of evidence collected by the Commission suggests that, at approximately 7.30 p.m., a gas cylinder containing a chlorine payload delivered by helicopter struck a multi-storey residential apartment building located approximately 100 metres south-west of Shohada square. The Commission received information on the death of at least 49 individuals, and the wounding of up to 650 others.

93. While the Commission cannot make yet any conclusions concerning the exact causes of death, in particular on whether another agent was used in addition to chlorine that may have caused or contributed to deaths and injuries, it recalls that the weaponization of chlorine is prohibited under customary international humanitarian law and under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the Syrian Arab Republic in 2013.

94. After the fall of ISIL in Raqqah and Dayr al-Zawr governorates in October and December 2017 respectively, a number of issues continue to prevent the feasibility of civilian return. Such issues include the large-scale destruction of civilian homes and infrastructure, including hospitals, schools and other protected objects, and electricity and water lines, lack of reconstruction, unexploded ordnance contamination left by the coalition led by the United States of America and affiliated SDF in Raqqah (see para. 65 above), and the lack of clearance of mines, booby traps and improvised explosive devices left by ISIL as part of its withdrawal strategy from both governorates. The absence of basic services poses significant obstacles; the Commission has for example received information according to which some civilians in Dayr al-Zawr drink unpotable water directly from the Euphrates River. It has also received allegations of arbitrary arrest by SDF forces manning checkpoints in both Raqqah and parts of Dayr al-Zawr. Protection concerns, ongoing unlawful internment of internally displaced civilians by the SDF in the north of the Syrian Arab Republic (A/HRC/37/72, annex III, paras. 1–18), and lack of access to telephone and Internet lines continue to curtail access to victims and witnesses.

[28] In particular, many Syrian lawyers consulted by the Commission point to the requirement to have the powers of attorney cleared by the intelligence branches before they can be recognized.

95. The Commission also continues to investigate aerial attacks launched against ISIL positions in Raqqah city between June and October 2017, which destroyed much of the city and displaced nearly the entire population. The Commission is concerned that the widespread destruction wrought upon Raqqah city included indiscriminate attacks and other serious violations of international humanitarian law. Significant challenges continue to arise, including with regard to how ISIL prevented civilians from documenting attacks as a matter of policy, how chaos often left victims and witnesses unable to identify whether a given attack was carried out by aerial or ground operations, and how ISIL terrorists embedded themselves and their military installations in numerous civilian infrastructures, including hospitals, thus significantly complicating investigations.

96. The Commission further notes that the coalition led by the United States acknowledged on 28 June that it had killed 40 civilians during its aerial attack against Al-Badiya school in Mansurah, Raqqah on the night of 20 to 21 March 2017, claiming that "the decision to strike complied with the law of armed conflict". The Commission reaffirms its finding, however, that 150 of more than 200 displaced residents sheltering in the building were killed.[29]

97. Throughout the north-eastern part of the Syrian Arab Republic, families of ISIL fighters continue to be arbitrarily deprived of their liberty and denied freedom of movement outside of SDF-run camps. As their home countries refuse to repatriate them for investigation and/or trial, more 2,000 foreign women and children are reportedly being denied due process and held in legal limbo.

98. The Commission is additionally concerned by reports that the United States of America is considering releasing back into the Syrian Arab Republic a detained citizen of the United States who fought for ISIL, after having transferred him to United States bases in Iraq for interrogation. Under international law, necessary measures must be taken to ensure the safety of persons whose liberty has been restricted prior to releasing them. The absolute prohibition of torture and other forms of ill-treatment under human rights law further precludes the transfer of a detainee at risk of such treatment.[30] The principle of non-refoulement is moreover recognized in a number of applicable legal instruments.

99. The Commission has received unsettling reports according to which the Syrian civil registry departments in a number of governorates, including Damascus, Rif Damascus, Hama, Homs, Hasakah and Latakia, have been releasing lists of names of deceased Syrians. Those reported dead had been arrested — often arbitrarily — and detained by pro-government military and security forces, with many enforcedly disappeared since. Investigations into all of the foregoing allegations and developments are ongoing.

VII. Recommendations

100. **The basic frameworks for addressing the myriad issues affecting civilians who have been internally displaced and issues relating to housing, land and property rights are set out in two key documents: the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex) and the principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17, annex). Both restate and build upon internationally accepted human rights and humanitarian law norms and standards. These principles should be adhered to by all parties to the conflict exercising control over territory,[31] and the Government of the Syrian Arab Republic should fully adopt them into its national legislation.**

[29] See the Monthly Civilian Casualty Report of the Combined Joint Task Force-Operation Inherent Resolve, 28 June 2018, available at www.inherentresolve.mil/News/News-Releases/News-Article-View/Article/1562215/cjtf-oir-monthly-civilian-casualty-report. See also A/HRC/37/72, annex IV, paras. 7–11.

[30] See "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic" (A/HRC/31/CRP.1).

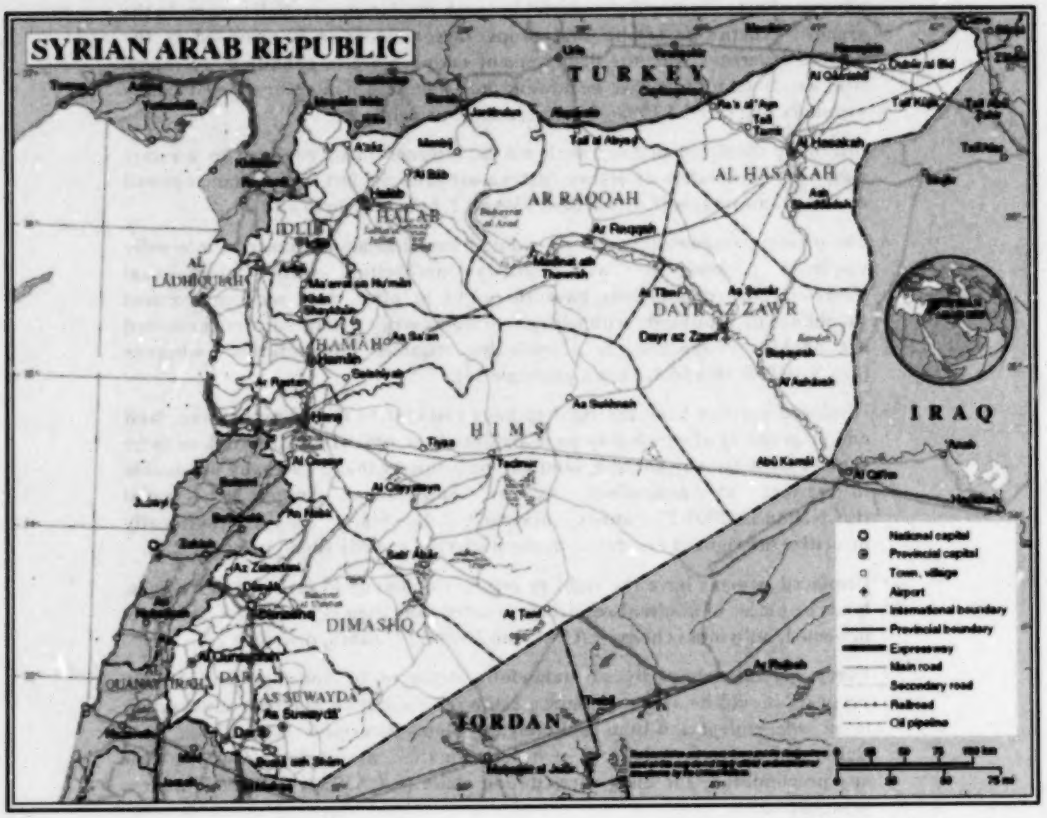
[31] With regard to armed groups, see the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, art. 7.

101. **With regard to the applicability of these principles to violations stemming from (forced) displacement in the Syrian Arab Republic, the Commission draws particular attention to the following principles:**

- **Where a community is at risk of forced displacement, authorities concerned should ensure all measures be taken to minimize the displacement and its adverse effects. Authorities undertaking such displacements shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons with the displacement taking place in conditions of safety, with provision of adequate health and nutrition and non-separation of family members (see E/CN.4/1998/53/Add.2, annex, principle 7).**
- **Internally displaced persons shall not be interned in or confined to a camp, and, where absolutely necessary, internment shall not last longer than required by the circumstances (E/CN.4/1998/53/Add.2, annex, principle 12).**
- **The primary responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities, while international humanitarian organizations have the right to offer their services; consent should not be arbitrarily withheld, particularly when the authorities concerned are unable or unwilling to provide the required humanitarian assistance (E/CN.4/1998/53/Add.2, annex, principle 25).**
- **Displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal (E/CN.4/Sub.2/2005/17, annex, principle 2.1). States should additionally prioritize the right to restitution as the preferred remedy (ibid., principle 2.2).**
- **Displaced persons have the right to return voluntarily to their former homes, lands or places of habitual residence, in safety and dignity and based on a free, informed, individual choice (E/CN.4/Sub.2/2005/17, annex, principle 10).**
- **Every person arbitrarily or unlawfully deprived of housing, land and/or property should be able to submit a claim for restitution and/or compensation to an independent and impartial body, to have a determination made on their claim, and to receive notice of such determination. States should not establish any preconditions for filing a restitution claim (E/CN.4/Sub.2/2005/17, annex, principle 13.1).**
- **States should ensure that all aspects of the restitution claims process, including appeals procedures, are just, timely, accessible, free of charge, and are age- and gender-sensitive. States should also adopt positive measures to ensure that women are able to participate on a fully equal basis in this process (E/CN.4/Sub.2/2005/17, annex, principle 13.2). States should further ensure that separated and unaccompanied children are able to participate and are fully represented in the restitution claims process (ibid., principle 13.3).**
- **States shall not recognize as valid any housing, land and/or property transaction, including any transfer that was made under duress, or which was otherwise coerced or forced, either directly or indirectly, or which was carried out contrary to international human rights standards (E/CN.4/Sub.2/2005/17, annex, principle 15.8).**

Annex I

Map of the Syrian Arab Republic



Annex II

Attacks on Damascus city and Rif Damascus by armed and terrorist groups

1. On 22 January, at approximately 1:30 p.m., members of Faylaq al-Rahman and/or Haya't Tahrir al-Sham (HTS) based in Jobar (eastern Ghouta) launched improvised mortar shells towards the Bab Toma borough of the Old City of Damascus. The attacks struck the Old Gate Square, where buses were gathered to await children from al-Riay'ah al-Khasa' school in nearby Bab Sharqi. One shell landed in the main Bab Toma roundabout, killing at least nine civilians, including women and girls, and wounding 29 others. Victims, the majority of them students, were taken to the nearby Saint Louis "French" Hospital. Hundreds of students began exhibiting signs of trauma after the attacks, whereafter schools in Bab Toma were closed for at least three weeks.

2. Members of Ahrar al-Sham, on 1 February, at approximately 4:30 p.m. in Harasta (eastern Ghouta) launched mortars on the impoverished, predominantly Alawite populated Esh al-Warwar neighbourhood of Damascus city, situated approximately three kilometres from Harasta. Beginning in the late afternoon, witnesses recalled hearing a series of explosions, and described an average of one shell exploding "every five to ten minutes." Most shells struck the Hay al-Deiriyah (Deir al-Zour Quarter), a few hundred metres from Tishreen Military Hospital. The attacks killed at least seven civilians, and injured 13 others.

3. Later that week, on 6 February, members of Faylaq al-Rahman and/or HTS in Ayn Tarma (eastern Ghouta) launched mortars on al-Homsi neighbourhood in Jaramana (Rif Damascus). The attacks killed two boys aged 6 and 9, both of whom were students in Badi' Radwan school. Adjacent to Jaramana, Ayn Tarma served as the closest armed group held position to Damascus at the time. The boys' father recalled finding his children bloodied and covered in shrapnel wounds, and recounted the trauma suffered by his wife who often woke at night, hallucinating and calling out for her sons.

4. Through the use of unguided mortars, the abovementioned attacks carried out by Faylaq ar-Rahman and/or Hay'at Tahrir al-Sham and Ahrar al-Sham killed and maimed hundreds of civilians, amounting in each documented instance to the war crime of launching indiscriminate attacks. The attacks seriously contravened the most basic human rights of persons, including the right to life, liberty and security of person. Numerous similar attacks were documented during the period under review (A/HRC/38/CRP.3, paras. 53–57). The repeated, indiscriminate shelling of Damascus city and Rif Damascus by these groups further amounted to the war crime of intending to spread terror among civilians residing in Government-held areas.[1] Moreover, even if carried out with the purpose of inducing Government forces to cease their unlawful attacks, armed and terrorist groups did not have the right to resort to countermeasures against persons not taking a direct part in hostilities.

[1] International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Stanislov Galić*, Appeals Judgment, IT-98-29-A, 30 November 2006, at paras. 99-109.

Annex III

Information note submitted by Turkey on Operation Olive Branch

The Commission made to member states requests for information regarding its investigations during the period under review. In that regard, the Commission received the following response from the Government of the Republic of Turkey regarding its operations in Afrin (Aleppo Governorate).[1] That response appears verbatim below.

1. As the conflict in Syria continues unabated in its eighth year, the spill-over effects of war have exceeded the borders of Syria and its immediate vicinity. The terrorist organizations that found fertile ground due to conflict conditions have been a serious threat for the regional and international security, as well as the territorial integrity of Syria.

2. Turkey's national security has been under the direct threat of Syria-based terrorist organisations, among which DEASH and PKK/KCK's Syria affiliate PYD/YPG come at the forefront.

3. In countering the threat of terrorism, our response has always been proportionate, measured and responsible in line with the right of self-defense as outlined in Article 51 of the UN Charter. As such, Turkey has successfully concluded the Operation Euphrates Shield (OES) in 2017, through which 2015 km² of land was cleared from DEASH and a safe haven free of terror could be established, enabling displaced Syrians to return. More than 182.000 Syrians have already returned from Turkey.

4. However, the terrorism threat from Syria targeting our borders was far from over. The threat posed by the PYD/YPG terrorist elements deployed in the bordering Afrin region, to the lives and property of the brotherly people of the region as well as our citizens living close to the border area was heightened due to the increase in the number of harassment fires and attacks.

5. From the beginning of 2017 to January 2018, Hatay and Kilis provinces of Turkey as well as the Turkish military posts and bases in the region and the military observation posts in Idlib were targeted from Afrin with almost 700 harassment fires and attacks, as of the beginning of 2018.

6. There was also the risk of DEASH elements, which had come from other parts of Syria and nested in the Afrin region, to attack our country and our border regions, and to transit to Europe through our country.

7. Against this backdrop, the Turkish Armed Forces launched "Operation Olive Branch" (OOB) on 20 January 2018 against these terrorist elements. The objective of this operation was defined as to ensure our border security, neutralize terrorists in Afrin and thus save the brotherly Syrians from the oppression and cruelty of these terrorists.

8. The operation has been carried out on the basis of the international law, in accordance with our right to self-defense as outlined in Article 51 of the UN Charter and the relevant UN Security Council resolutions 1373(2001), 1624(2005), 2170(2014) and 2178(2014) as well as in full respect to Syria's territorial integrity.

9. During the planning and execution phases of the operation, only the mentioned terrorist elements and their hideouts, shelters, emplacements, weapons, vehicles and equipment were targeted. Civilian structures, buildings in which civilians were detected or religious, cultural and historic sites were never targeted. Globally accepted targeting methods were applied during the conduct of the operation. Targets were determined

[1] The Commission considered the above information provided by the Republic of Turkey directly relevant to its report. Such requests for information may be appended to the Commission's public reports at its discretion and with the consent of the concerned state.

through reconnaissance works of unmanned aerial vehicles (UAVs) and instantaneous/dynamic intelligence.

10. All precautions were taken to avoid collateral damage to the civilian population. The campaign has been exemplary in that regard. To minimize collateral damage, maximum precision in targeting was applied, even to the extent of often slowing down the operation.

11. However, PYD/YPG launched a disinformation campaign with visual material shot at different times and locations, claiming that civilians or civilian infrastructure were targeted, which does not reflect the truth. On the contrary, following the start of the operation, PYD/YPG perpetrated more than 90 rocket attacks to our Kilis and Hatay provinces, killing and injuring many of our citizens.

12. The military phase of OOB was concluded on the 58th day of the campaign, following the liberation of Afrin city on 18 March.

13. OOB has shown to the entire world how a counter-terrorism operation can be conducted without harming civilians and civilian infrastructure.

14. The next phase of the operation, which is now underway, is focused on ensuring security and stability (de-mining, establishing order, local governance and security, return of IDPs and refugees originally from Afrin). It is guided by the success of the OES model.

15. "Local ownership" is the overarching principle for bringing back stability to liberated areas. Since the beginning of OOB, our motto has been "Afrin belongs to the people of Afrin". During this second phase, our efforts are aimed at translating this motto into reality.

16. In line with this principle, the formation of local security and governance structures have been supported.

17. Seven Local Councils composed of representatives of the local people are now in place. As an example, the Local Council in Afrin city, presided by a Kurdish representative, is composed of eleven Kurds, eight Arabs and one Turkmen, demonstrating the demographic nature of the region.

18. Restoring security and establishing local governance facilitates the return of the people of Afrin back to their homes as has been the case in the OES area.

19. Despite Turkey's efforts, many others who had left Afrin and taken shelter in surrounding areas cannot go back to their homes as they are blocked by PYD/YPG and the regime.

20. To bring life back to normal, de-mining continues to be the most important issue. Search operations for mines and improvised explosive devices (IEDs) in and around Afrin city center are underway.

21. We have provided, through our national agencies, continuous humanitarian aid and fundamental health services to the region in order to prevent civilian suffering. We have also facilitated the cross-border delivery of UN humanitarian assistance.

22. Relevant Turkish agencies are working hand in hand with the local population to restore public services and to improve the infrastructure. Maintenance and repair works for water-well drilling and sewage systems are underway. Excavation and road repair works continue simultaneously with mine clearance activities. Reconstruction of houses demolished due to PYD/YPG-planted IED explosions has also started. Work is underway for providing electricity from Turkey to Afrin, where no grid power has been available for the last six years.

23. In close cooperation and coordination with the true owners of Afrin, Turkey will continue to support and encourage the implementation of a wide range of stabilization projects in Afrin.

24. Operation Olive Branch demonstrates that Turkey will not tolerate any terrorist organization finding safe haven in this region of vital importance for her national security. Turkey will not consent to the pursuit of unilateral agendas that are against the will of the Syrian people. Turkey's efforts will contribute to the preservation of the territorial integrity

and political unity of Syria by rolling back the territorial expansion of a terrorist entity which pursues a separatist agenda.

25. The eradication of terror generating from Syria will be made possible by the elimination of the conditions that have led to the emergence of terrorist organizations. This could be achieved through a negotiated, credible and lasting political solution.

26. Turkey remains staunchly committed to finding a political solution to the conflict in Syria through a genuine political transition as outlined in the Geneva Communique and the UNSC Resolution 2254, and will continue its dauntless efforts to make this a reality as soon as possible.